

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:12.12.2017
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI
WP.No.32123/2017

Mr.P.V.Sudhakar Rao

.. Petitioner

Versus

1.The Executive Engineer

Corporation of Chennai [Enforcement-
Region Central], Regional Office,
Central, 2nd Cross Street [E] Pulla Avenue
Shenoy Nagar, Chennai 600 030.

2.The Member Secretary

Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road, Egmore,
Chennai 600 008.

3.Mr.B.Gopalakrishnan

4.Mr.B.Mohanasundaram

5.Mr.B.Muralidharaan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 1st respondent to act upon the 1st respondent Notice dated 01.07.2015 and demolish the illegal unauthorised construction within the time frame to be fixed by this Court.

For Petitioner : Mr.K.Seetharam

For R1 : Mr.A.Nagarajan

For R2 : Mr.A.Kumar

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.A.Nagarajan, learned Standing counsel accepts notice on behalf of the 1st respondent and Mr.A.Kumar, learned Standing counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner would state that he has bought two flats at "Vijaya Flats" bearing Flat No.2A and 3A, at "F" Block, Door No.118, Plot No.801, 6th Street, Anna Nagar [East], Chennai-102 and started residing there ever since January 2014. The petitioner further state that the respondents 3 to 5 had started illegally encroaching upon the Parking Slot and

started building a room admeasuring to an extent of 20 sq.m. for commercial purpose in the common area and in this regard, a notice dated 24.12.2014 was also issued to the 2nd respondent and other official respondents for appropriate action and act on the same and the 2nd respondent had issued the Stop Work Notice dated 13.03.2015 followed by a Locking and Sealing and Demolition Notice dated 23.01.2015 and despite the said notices, the respondents 3 to 5 proceeded further and completed the construction and when it was brought to the knowledge of the concerned official respondents, a De-Occupation Notice dated 13.03.2015 followed by a Locking and Sealing and Demolition Notice dated 01.04.2015, came to be issued. In furtherance to the said notice, the offending construction had also been put under Lock and Seal. The grievance now expressed by the petitioner is that thereafter no steps have been taken to demolish the offending construction and in this regard, a representation dated 01.03.2017 has been submitted by the petitioner to the respondents 1 and 2 and despite receipt and acknowledgment of the same on the same day, no steps have been taken to demolish the offending construction and hence, came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that in the absence of any challenge to the notice dated 01.07.2015 issued by the 1st respondent, there cannot be any impediment on the part of the officials of the Corporation of Chennai to demolish the offending construction and prays for appropriate orders.

4 Per contra, Mr.A.Nagarajan, learned Standing counsel appearing for the 1st respondent would submit that the premises in question shall continue to be kept under lock and seal.

5 The Court heard the submissions of Mr.A.Kumar, learned Standing counsel appearing for the 2nd respondent who would submit that the matter falls within the jurisdiction of the Corporation of Chennai and it is for them to take appropriate action.

6 The Court has considered the rival submissions and also perused the materials placed before it.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to proceed further with the Locking and Sealing and Demolition Notice dated 01.07.2015 subject to legal interdict, if any and take appropriate action in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 3 to 5 herein.

8 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Executive Engineer
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2.The Member Secretary
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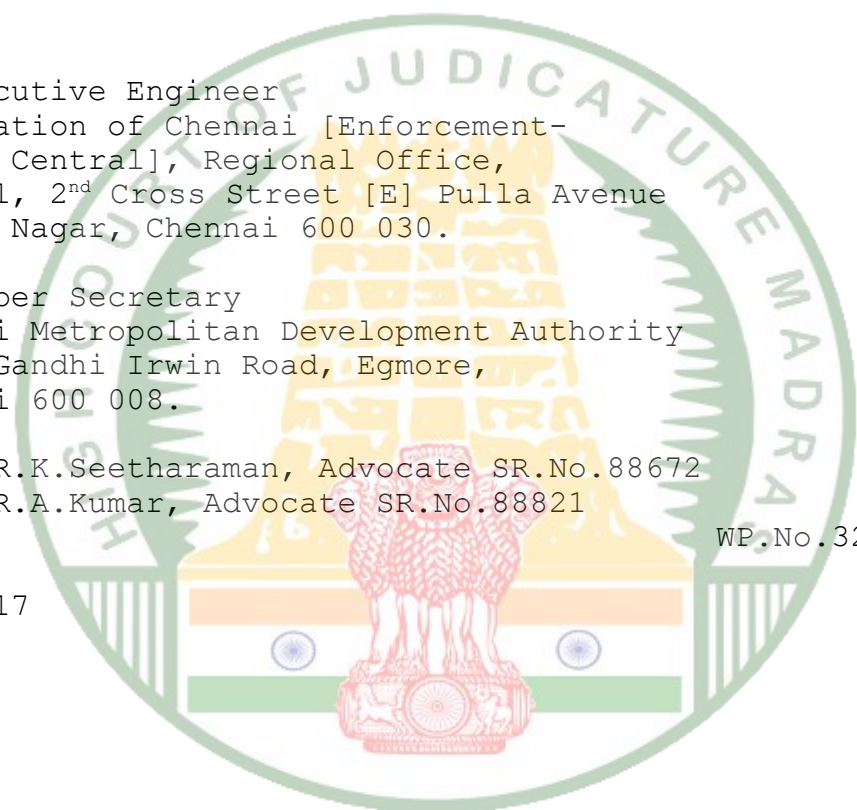
+1cc to MR.K.Seetharaman, Advocate SR.No.88672

+1cc to MR.A.Kumar, Advocate SR.No.88821

WP.No.32123/2017

PPA(CO)

sm:3.1.2017

The seal of the High Court of Madras is a circular emblem. It features a central image of the Lion Capital of Ashoka, which is a four-lion capital carved from a single block of dark soapstone. The lions are facing the four cardinal directions. The capital is set on a high, circular abacus decorated with frieze reliefs. The entire emblem is encircled by a green border containing the text 'HIGH COURT OF JUDICATURE MADRAS' in white capital letters. Below the emblem, the motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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